

Section II. (Remarks)**Rewriting of Claim 11 in Independent Form, to Place Claims 11-14 in Condition for Allowance**

Claim 11 has been rewritten herein in independent form, to include the subject matter of claim one, and intervening claims 4-10 (claim 5 having been amended to depend from claim 4, to obviate the 35 USC 112, second paragraph rejection of claims 5-18; see following paragraph).

Since claim 11 as rewritten is free of the art (claims 11-14 having been rejected only on 35 USC 112, second paragraph grounds in the June 29, 2005 Office Action), claim 11 is now in form and condition for allowance, as are claims 12-14 dependent thereunder.

The foregoing is consistent with the examiner's indication of claims 11-14 being allowable if rewritten to overcome the 35 USC 112, second paragraph rejection (page 4 of the June 29, 2005 Office Action).

Amendment of Claim 5 to Overcome 35 USC 112, Second Paragraph Rejection of Claims 5-18

In response to the rejection of claims 5-18 under 35 USC 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter of the invention, based on the recital, "said two gas supply vessels" lacking antecedent basis, claim 5 has been amended to depend from claim 4.

Such amendatory change overcomes the rejection, since claim 5 has appropriate antecedent basis in the recital of claim 4, and since each of the claims 6-10 and 12-18 depends directly or indirectly from claim 5, and since claim 11 has been rewritten in independent form.

Withdrawal of the rejection therefore is requested.

Rejections of Claims on Reference Grounds, and Traversal Thereof

In the June 29, 2005 Office Action, the Examiner rejected claims 1-10 and 15-20 on reference grounds, including:

a rejection of claims 1, 4-10 and 15-20 under 35 U.S.C. §102(b) as being anticipated by Sierk et al. U.S. Patent No. 5,657,254 (hereinafter Sierk); and

a rejection of claims 2 and 3 under 35 USC 103 (a) as being unpatentable over Sierk in view of Tom et al. US Patent 6,660,063.

Applicants traverse such rejections, and respectfully request reconsideration of the patentability of claims 1-10 and 15-20 pending in the application, based on the ensuing remarks.

Patentable Distinction of Claims 1-10 and 15-20 Over the Cited References

The Rejection of Claims 1, 4-10 and 15-20 as Anticipated by Sierk

“Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” *W.L. Gore & Assocs. v. Garlock*, 721, F.2d 1540, 220 USPQ 303 at 313 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). It is not enough that the prior art reference disclose all the claimed elements in isolation. Rather, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). Further, “[u]nder 35 U.S.C. § 102, anticipation requires that ... the prior art reference must be enabling, thus placing the allegedly disclosed matter in the possession of the public.” *Akzo, N.V. v. United States Int'l Trade Comm'n*, 808 F.2d 1471, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986).

Claim 1 has been amended herein to introduce the limitation, “wherein the gas cabinet is characterized by at least one of characteristics (1) and (2):

(1) none of the multiple sticks containing a pressure regulator therein; and

(2) the gas cabinet including a purifier arranged for flow therethrough of gas from the purge gas source.

Sierk, by contrast, discloses a gas distribution system in which each of the sticks contains a pressure regulator (see Fig. 8, showing each of the four respective sticks containing a pressure regulator 154), and in which no purge gas purifier is employed.

Since these features of claim 1 are wholly absent in Sierk, Sierk cannot anticipate claim 1. Accordingly, claim 1, and all claims dependent thereunder, viz., claims 4-10 and 15-19, are patently distinguished over Sierk, and in condition for allowance.

Claim 20 has been amended in corresponding manner to claim 1, and is patentable over Sierk for the same reasons as advanced hereinabove in support of the patentability of claim 1.

The Rejection of Claims 2 and 3 as Obvious Over Sierk in view of Tom

Tom has been cited for disclosure of specific gas supply vessels, in relation to the recital of a vessel having an interiorly mounted gas pressure regulator (claim 2), and the recital of a vessel containing physical adsorbent medium (claim 3).

Tom, however, does not cure the deficiency of Sierk as lacking any teaching or suggestion of a gas cabinet characterized by at least one of the characteristics of:

(1) none of the multiple sticks containing a pressure regulator therein; and

(2) the gas cabinet including a purifier arranged for flow therethrough of gas from the purge gas source.

Accordingly, claims 2 and 3 are patently distinguished over the combination of Sierk and Tom, and withdrawal of such rejection therefore is respectfully requested.

Based on all the foregoing, claims 1-10 and 15-20 are fully patentably distinguished over the art and in condition for allowance.

Fee Payable for Rewriting of Claim 11 in Independent Form

The rewriting into independent form of claim 11 herein does not increase the number of independent claims or total claims beyond the number for which payment previously has been made. Accordingly, no added claims fee is due or payable.

Authorization nonetheless is given for charging of any fee or amount properly payable in connection with the filing of this Response to the June 29, 2005 Office Action, to Deposit Account No. 08-3284 of the Intellectual Property/Technology Law.

CONCLUSION

Claims 1-20 are now in form and condition for allowance. Favorable action therefore is requested.

If any issues remain, incident to the allowance of the application, the examiner is requested to contact the undersigned attorney at (919) 419-9350 to discuss their resolution, in order that the application can be passed to issue at an early date.

Respectfully submitted,



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